IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 11426 of 2004

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Between:

K.Ramalingam, s/o Mallaiah, r/o Deverakadra Village

and Mandal, Mahaboobnagar District.

..... PETITIONER

AND

-

1 The Joint Collector, Mahaboobnagar District at

Mahaboobnagar.
2 The Revenue Divisional Officer, Narayanapet of

Mahaboobnagar District.
3 The Mandal Revenue Officer, Deverkadra Mandal,
Mahaboobnagar District.
4 Narsi Reddy died for LR Rami Reddy, s/o late Narsi

Reddy, r/o Narilonikunta Village of Baswapur Village,

Deverkadra Mandal, Mahaboobnagar District.
5 Venkat Reddy, s/o Sanjeeva Reddy,
r/o Narilonikunta Village of Baswapur Village,

Deverkadra Mandal, Mahaboobnagar District.
6 Bala Goud, s/o Narsaiah,
r/o Narilonikunta Village of Baswapur Village,

Deverkadra Mandal, Mahaboobnagar District.
7 Ramchendra Reddy, s/o Narayan Reddy,
r/o Baswayapally Village, Deverkadra Mandal,

Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in reviewing his earlier regularization order dated
25-8-1992 and 18-12-1992 to the extent of 1 acre out of 2 acres 3 gts., in Sy.No.546/UU without any notice and having no jurisdiction and further declare the action of the 2nd respondent in confirming the review order of the 3rd respondent vide proceedings No.A/2919/1993 dated 25-11-93 and further confirming the order of 2nd and 3rd respondents by the 1st respondent vide his order dated 17-7-1999 in case No.D1/B8/10/94, as illegal, unlawful, arbitrary and without jurisdiction and consequently restore the original regularization order of 3rd respondent in ROR/PS/48/92 and ROR/PS/86/92 dated 25-8-1992 and 18-12-1992 to the extent of 2 acres 3 gts., in Sy.No.546/UU at Deverkadra Village and Mandal of Mahaboobnagar District.

Counsel for the Petitioner: MR.M.DAMODAR REDDY

Counsel for Respondents 1 to 3: GP FOR REVENUE

Counsel for Respondents 4 to 7: ---

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue. Both have expressed no objection for disposal of the writ petition at the admission stage.

It is not in dispute that the petitioner obtained regularization sale deed to an extent of Acs.2.03 by way of two private sale deeds under Section 5A of the A.P. Rights in Land and Pattedar Passbooks Act, 1971. It is also not in dispute that the petitioner purchased the said land from Sri Narsi Reddy S/o Sanjeeva Reddy, Sri Venkat Reddy S/o. Sanjeeva Reddy, Sri Ramchandra Reddy S/o. Narayan Reddy and Sri

Bala Goud S/o. Nagaiah. In fact the vendors of the petitioner have purchased only to an extent of Acs.1.03 under registered sale deed No.455, dated 16-3-1981. If that be the case, when the vendors of the petitioner are owners only to an extent of Acs.1.03 of land, the claim set up by the petitioner that he has purchased Acs.2.03 from the said vendors does not arise.

In view of the same, the regularization of the sale deeds to an extent of over and above the area which was purchased by the petitioner from his vendors cannot be sustained and the same was rightly affirmed by the appellate authority as well as the revisional authority, since the petitioner cannot claim that he has purchased the said property from his vendors who have no title over and above which they have owned.

Accordingly, the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

20th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Joint Collector, Mahaboobnagar District at

Mahaboobnagar.
2 The Revenue Divisional Officer, Narayanapet of

Mahaboobnagar District.
3 The Mandal Revenue Officer, Deverkadra Mandal,
Mahaboobnagar District.

4 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

5 2 CD copies.